REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed March 25, 2005.

Currently, claims 1-57 are pending. Claims 1-8, 10-12, 15-24, 26, 28-43, 45 and 47-57 have been amended to improve clarity. Claims 25, 27, 44 and 46 are cancelled. No new matter is entered.

In particular, claims 1, 28 and 47 have been amended to clarify that a request to access a network of devices is received from a source device. Additionally, a first set of devices in the network of devices which the source device is authorized to access have been authenticated based on an associated identifier. See the specification, e.g., page 2, last paragraph, which explains how a device of a first user and other devices are logged into a network using a common identifier. See also, page 5, next to last paragraph, which explains how a device can access other devices in a network which have been authenticated with the same user name. Furthermore, once it has been determined that the source device is authorized to access the first set of devices, communication between the source device and the first set of devices is allowed, while communication between the source device and the second set of devices is not allowed.

Claims 2, 29 and 48 are amended to set forth that the identifier associated with the source device comprises a first user identifier.

Claims 5, 30 and 49 set forth that that the request to search is received from the source device at an intermediate entity.

Clarifying amendments are made to claims 8, 31 and 50; claims 11, 32 and 51; and claims 12, 33 and 52. Claims 15 and 34 are amended analogously to claims 1 and 28.

Clarifying amendments are also made to claims 16 and 35; claims 17 and 36; claims 18, 37 and 53; claims 19, 38 and 54; claims 20, 39 and 55; claims 21, 40 and 56; and claims 22, 41 and 57.

Claims 23 and 42 are amended analogously to claims 1 and 28.

Clarifying amendments are made to claims 24 and 43.

Claims 26 and 45 are amended to clarify that the attempt to establish a second connection is received if the attempt to establish the first connection was not successful, and to clarify that the second connection is between the requesting device and the target device, via a proxy.

Claims 5, 17, 19, 24, 30, 36, 38, 43, 49 and 54 are also amended to clarify that an attempt is made to send search results to the source device via direct connections which bypass an intermediate entity. If the direct connections cannot be established, the searches are sent to the source device via the intermediate entity. See the specification, e.g., pages 11-12, bridging paragraph, Fig. 7, blocks 208, 210 and 214.

Claims 2, 16, 29 and 48 have been amended based on the objections thereto, and claims 16 and 35 have been amended based on the objections thereto under 37 C.F.R. §1.75(c). Withdrawal of the objections is therefore respectfully requested.

Claims 1-3, 10, 11, 18, 28, 29, 32, 37, 47, 48, 51 and 54 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent no. 6,470,453 to Vilhuber. Applicants respectfully traverse this and the other rejections.

Vilhuber provides a technique which allows a client or remote node to access network devices 114a-c in a network 108 via a network access server 104 (Fig. 1). An authorization application 124 at the network access server 104 determines whether a user is authorized to access the network (col. 7, lines 19-22). In particular, a user authentication phase is initiated in which the user supplies access information, which in turn is used to determine whether the user is allowed to access the server. The server then performs a user authorization phase which determines a set of user privileges which, in turn, are used to determine which network devices and network resources are accessible by the particular user (col. 5, line 57 to col. 10, line 2). However, Vilhuber provides no disclosure or suggestion that the devices 114a-c have been authenticated based on an associated identifier, or that a determination is made that the client 102 is authorized to access the devices 114-c based on a correspondence between an identifier of the client 102 and the associated identifier.

In contrast, Applicants' invention can provide a device-to-device network in which any particular device can see only other devices on the network with which that device is authorized to communicate (specification, page 5, second full paragraph). In this way, a user can seamlessly access content stored on various devices (page 2, first full paragraph). Applicants' independent claims 1, 28 and 47 are therefore clearly patentable over Vilhuber.

Regarding independent claims 18 and 37, these claims set forth logging a first device into a network of devices using a first user identification, where the network of devices includes devices logged into the network using the first user identification and devices logged in to the network using one or more other user identifications, including a second user identifier. The devices that are logged in to the network using the first user identification are identified, and, responsive to the identifying, the first device is allowed to communicate with the devices that are logged into the network using the first user identification, but not allowed to communicate with the devices that are logged in to the network using the second user identification.

Applicants respectfully note that the Office Action fails to provide any assertion as to how the cited references anticipate claims 18 and 37. Accordingly, the rejection cannot stand for this reason alone. Moreover, turning to the substance of these claims, Vilhuber provides no mention whatsoever of logging in a first device and other devices into a network using a common first user identifier for the purpose of controlling which devices the first device is allowed to communicate with. Applicants' claims 18 and 37 are therefore also clearly patentable over Vilhuber.

Applicants' dependent claims are also clearly patentable over the cited references.

For example, regarding claims 2, 29 and 48, and col. 8, lines 11-19 of Vilhuber which were cited by the Examiner, this passage only indicates that user access information is used by the authorization application 124 to verify that a user is allowed to access the network system 108 using the network access server 104. However, this passage provides no information regarding a network where a first set of devices use a first identifier which is also associated with a source device, and a second set of devices do not use the first identifier. Instead, with the Vilhuber system, once the user is authorized to access the network access server 104, the user has access to the entire network system 108, including the network devices 114a-c.

Claims 15, 16, 34 and 35 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent application publication no. 2002/0052885 to Levy. Levy is concerned with embedding data such as a watermark into content that is shared in a peer-to-peer file sharing system to prevent unauthorized sharing (abstract). In contrast, Applicants' claims 15 and 34 set forth that a request is

received from a source device to access a network of devices, and it is determined that the source device is authorized to access a first set of devices in the network of devices based on a correspondence between an identifier of the source device and an associated identifier of the first set of devices with which the first set of devices have been authenticated. After it is determined that the source device is authorized to access the first set of devices, items on the first set of devices are identified, and a playlist of the items is created, where the playlist includes items on different devices.

Regarding paragraph 0078 of Levy cited by the Examiner, this passage only indicates that a connectivity status can be used to indicate which clients are currently connected to a network and are available to transfer registered files. However, availability is not the same as authorization. Moreover, Levy fails to disclose or suggest preventing access to network devices which a source device is not authorized to access.

Applicants' independent claims 15 and 34, and the dependent claims thereof, are therefore clearly patentable over Levy.

Claims 23-27 and 42-46 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent no. 6,366,907 to Fanning et al. Fanning et al. are concerned with a real-time search engine that maintains an up-to-date index of data content residing on servers that are currently connected to the Internet (col. 1, lines 32-35). Independent claims 23 and 42 are patentable over Fanning et al. at last for the reason that Fanning et al. fail to disclose or suggest receiving a search request from a source device, and identifying a first set of devices, in a network of devices, which the source device is authorized to access, and which have been authenticated based on an associated identifier, wherein the identifying is based on a correspondence between an identifier of the source device and the associated identifier. Furthermore, the Examiner again makes the incorrect assumption that availability is the same as authorization. For example, the Examiner cites col. 6, line 66 to col. 7, line 3 of Fanning et al. as disclosing sending a search request to a set of devices which are authorized to access. However, this passage only refers to the contents of a search request, and provide no discussion of an authorization. The rejection therefore fails under 35 U.S.C. §102. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly

or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants' independent claims 23 and 42, and the dependent claims thereof, are therefore clearly patentable over Fanning et al.

Regarding dependent claims 24 and 43, for example, these claims set forth sending a search request to a server for forwarding to a first set of devices, and receiving search results at the source device via direct connections, if direct connections between the source device and the first set of devices, which bypass a server, can be established. Additionally, an attempt is made to establish the direct connections. The search results are received at the source device via the server if the direct connections cannot be established. In contrast, col. 5, line 57 to col. 6, line 9 of Fanning et al., which was cited by the Examiner, state that a download may occur from a provider server to a recipient client directly or through a proxy server. However, there is no disclosure or suggestion of attempting to establish a direct connection prior to establishing a connection via a server as claimed.

Regarding claims 26 and 45, these claims set forth, in part, attempting to establish a first connection between a requesting device and a target device, transferring an item using the first connection if the connection is successfully established, sending a message to the target device via an intermediate device if the first connection is not successfully established, and receiving an attempt to establish a second connection via a proxy if the first connection is not successfully established. Regarding the feature of sending a message to a target device via an intermediate device if a first connection is not successfully established, the Examiner cites col. 5, line 61 to col. 6, line 8 of Fanning et al. as providing this feature. However, Applicants respectfully note that there is no disclosure or suggestion of any such message in the cited passage. Again, Applicants note that an anticipation rejection requires that each element set forth in the claim must be found, either expressly or inherently described, in the prior art reference. It is respectfully submitted that this burden has not been met.

Claims 17 and 36 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Levy in view of Fanning et al. These references, taken alone or in combination, still fail to

disclose or suggest attempting to provide results from searches directly to a source device from a first set of devices via direct connections which bypass an intermediate entity, or providing the results to the source device from the first set of devices via the intermediate entity if the direct connections cannot be established. As mentioned, previously, there is simply no mention in the cited references of attempting to provide search results via a direct connection first, and if that fails, attempting to provide the search results via an intermediate entity.

Claims 5, 7, 8, 19-21, 30, 31, 38-40, 49, 50 and 54-56 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Vilhuber in view of Levy and Fanning et al. These claims are patentable at least for the reasons discussed previously. For example, regarding claims 5, 19, 30, 38, 49 and 54, paragraph 6 of Levy, cited by the Examiner, refers to a user logging on to a network to download software and to share files with other users. However, there is no mention of receiving a request to search from a requesting device which is logged into a network using a first user identification, and performing searches at devices that are logged in to the network also using the first user identification, as set forth in claims 19, 38 and 54, for example.

Regarding claims 7, 8, 20, 31, 39, 50 and 55, and claims 21, 40 and 56, these claims are also patentable at least for the reasons discussed previously.

Claims 12-14, 22, 33, 41, 52 and 57 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Vilhuber in view of Levy. These claims are patentable at least for the reasons discussed previously. Regarding claim 14, for example, Levy and the other cited references fail to disclose or suggest the broadcasting, listening, establishing and authenticating steps as claimed. The cited portion of Levy, paragraph 0033, only refers to computers broadcasting their event logs to each other. The Examiner has failed to indicate how the cited references disclose or suggest each of the claimed features, including the step of authenticating. Accordingly, a prima facie case of obviousness has not been established.

Regarding claims 22, 41 and 57, the Examiner asserts (Office Action, page 15, bottom) that Levy provides a second device logged onto a network using a first identifier. However, even if this was true, arguendo, Levy and the other cited references do not meet the limitation

specified in independent claim 18 which requires that the first identifier is also used by a first device to log onto the network.

Claims 4, 6 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Vilhuber in view of Fanning et al. These claims are patentable at least for the reasons discussed previously. Furthermore, regarding claim 6, for example, the cited references fail to disclose or suggest providing search results from a target device to a source device, where the source device is in a private network, and has a private address which is not globally unique, while the target device has a globally unique address and is inaccessible via an Internet. This Examiner fails to indicate how the cited references provide these features, and only states that it would be obvious to modify the cited references to provide searches within a network. However, this says nothing regarding the use of a private address and a globally unique address as claimed.

Based on the above amendments and these remarks, reconsideration of the claims is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 6-27-05 By: Ralph F. Hoppin

Ralph F. Hoppin
Reg. No. 38,494

VIERRA MAGEN MARCUS HARMON & DENIRO LLP
685 Market Street, Suite 540
San Francisco, California 94105-4206
Telephone: (415) 369-9660
Facsimile: (415) 369-9665